



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on July 13, 2004

NOTICE OF ACTION TAKEN -- DOCKET OST-2002-12503

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of Arrow Air, Inc. filed 6/14/04 for:

XX Waiver of 90-day startup condition for U.S.-Ecuador all-cargo services.

By Order 2004-3-16, the Department granted Arrow two available frequencies to conduct scheduled U.S.-Ecuador all-cargo air transportation services. The award was subject to the condition that Arrow institute its proposed service within 90 days (*i.e.*, no later than June 14, 2004).

On June 14, 2004, Arrow filed an application in the above-captioned docket for a waiver of the startup condition imposed by Order 2004-3-16, and asked that the startup period be extended for an additional 90 days. Arrow stated that it was just informed, "as of the date of this application," that the Ecuadorian civil aviation authorities have been unable to locate documents issued by the U.S. Department of Transportation that evidence Arrow's authority to operate the subject frequencies. Arrow explained that, as an incumbent carrier already providing scheduled services to Ecuador, it did not expect to encounter difficulty in obtaining the requisite authority to provide the additional services authorized. Arrow stated that, in the circumstances presented, it is in the public interest to grant the start-up waiver requested.

No answers to the application were filed.

Applicant Rep: Lawrence D. Wasko (202) 862-4370 **DOT Analyst:** Michael Bodman (202) 366-9667

DISPOSITION

XX Granted (see remarks below)

The above action was effective when taken: July 13, 2004 through September 15, 2004.¹

Action taken by: **Paul L. Gretch, Director**
Office of International Aviation

Remarks: We have granted the application filed by Arrow for a waiver of the start-up deadline imposed by Order 2004-3-16 in the *2002 U.S.-Ecuador All-Cargo Service Case*, and have amended the start-up deadline through September 15, 2004, for frequencies allocated to Arrow in this matter. We also granted Arrow, *sua sponte*, an interim waiver of the start-up deadline from June 14, 2004, until July 13, 2004, as the answer date for Arrow's late-filed application had not passed, nor had Arrow completed polling all parties, before the June 14 start-up deadline.

We found that waiving the start-up condition imposed on Arrow's award by Order 2004-3-16 was in the public interest in the specific circumstances presented; namely, that Arrow has indicated on the record that it is working to obtain the requisite Ecuadorian Government authority to commence services as soon as possible, that it was only

¹Arrow's extension of the start-up deadline is effective through September 15, 2004, or until the date on which Arrow begins service with each of its allocated frequencies, whichever occurs earlier. As to any frequency with which Arrow does not begin service by September 15, 2004, its allocation with respect to that frequency will expire automatically.

advised on the date of its waiver application that such Ecuadorian authority would not be timely forthcoming, and that no party has opposed its request for a waiver of the start-up deadline.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; and (2) grant of the application was consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*